

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Anthony James Moore,)	
)	
Plaintiff,)	ORDER CALCULATING PLAINTIFF'S
)	APPELLATE FILING FEES
vs.)	
)	Case No. 1:06-cv-095
Fargo Police Department,)	
)	
Defendant.)	

On August 2, 2007, the Eighth Circuit Court of Appeals granted plaintiff Anthony Moore's motion to proceed in forma pauperis and directed this Court to calculate and collect the appellate filing fees. See Docket No. 65.

Pursuant to 28 U.S.C. § 1915(b), Moore is required to pay the statutory filing fee of \$455.00 for this appeal. Based on the Certificate of Inmate Account and Assets received by the Court, dated April 25, 2007, and executed by the North Dakota State Penitentiary, **a partial filing fee of \$0.03** is immediately assessed for this appeal. Thereafter, Moore will be obligated to make monthly payments in the amount as established by 28 U.S.C. § 1915(b)(2) until the filing fee is paid in full. The full fee will be collected even if the Court dismisses the appeal because it is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks money damages against a defendant who is immune from such relief. 18 U.S.C. § 1915(e)(2).

IT IS ORDERED that:

- 1) The Plaintiff is assessed an initial filing fee of \$0.03 payable to the Clerk of the District Court. The remaining filing fee owed shall be paid to the Clerk of the District Court from the Plaintiff's inmate spending account or release aid account in accordance with the payment plan set forth in 28 U.S.C. § 1915(b)(2). The

institution where the Plaintiff is incarcerated (North Dakota State Penitentiary) is required to post payments in an amount of 20% of each future month's income placed in the Plaintiff's inmate spending or release aid accounts. Payments shall be made each time the amount in the Plaintiff's accounts exceed \$10.00 and continue until the statutory filing fee of \$455.00 is paid in full.

- 2) A notice of this obligation shall be sent to the Plaintiff and the appropriate prison official.

Dated this 7th day of August, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court